

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

US AIRWAYS, INC.,

Plaintiff,

vs.

Case No. 07-CV-1235 MCA/LFG

J. DEE DENNIS, in his official capacity
as Superintendent of the New Mexico
Regulation and Licensing Department, and
GARY TOMADA, in his official capacity as
Director, New Mexico Regulation and Licensing
Department, Alcohol & Gaming Division,

Defendants.

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

WHEREAS, Plaintiff US Airways, Inc. and Defendants J. Dee Dennis, Jr., et al. (jointly, “the Parties”) have reached an accord and agreement to settle the above-captioned action pursuant to Terms specified therein;

IT IS HEREBY JOINTLY STIPULATED AND AGREED by the Parties, by and through their respective counsel of record, that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), plaintiff US Airways, Inc., hereby dismisses the above-captioned action without prejudice. Each party agrees to bear its own costs and attorneys’ fees.

Respectfully submitted,

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Gary Tomada, in his official capacity as Director,
New Mexico Regulation and Licensing Department,
Alcohol & Gaming Division

CERTIFICATE OF SERVICE

I CERTIFY that on the 23rd day of January 2012, I filed the foregoing electronically through the CM/ECF system, which caused all parties and counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ *Bradford C. Berge*
Bradford C. Berge